

REMARKS

Claims 1-16 and 20-29 are pending for further examination. Claims 17-19 and 30-31 have been canceled. Claims 1, 20, 21 and 23-29 are currently amended.

Claim Objections

Applicants have corrected the claims as required by the Examiner and respectfully request withdrawal of the objections.

Claim Rejections

1) Claims 1, 4-12, 14-16 and 20-29 were rejected under 35 U.S.C. § 102(b) as anticipated by Lys et al. (U.S. Patent No. 6,166,496). Claims 20-29 were also rejected under 35 U.S.C. § 102(e) as anticipated by Johnson (U.S. Patent No. 6,608,614). Claims 2-3 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lys in view of Conway et al. (U.S. Patent No. 6,149,283).

Currently amended independent claim 1 recites, in part, an electronically controlled, color changeable landscape lighting system that includes a plurality of light emitting diode chips mounted to a support member that is disposed within a landscape lighting housing means. The lighting system includes "a transparent layer fixed to the support member" in which the transparent layer is in a position to "cover the light emitting diode chips." Claim 1 further recites that the light emitting diode chips are "between the support member and transparent layer," and that the support member and transparent layer are "substantially parallel to one another." For example, FIGS. 6 and 7 of the present application show a landscape lighting system in which a circular transparent protection layer 40 is fixed to hexagonal support member 33. The protection layer 40 covers a plurality of light emitting diode chips 13 that are mounted to support member 33 (pg. 7, lines 17-18). In some implementations, the circular transparent protection layer 40 can protect the light emitting diode chips from moisture and other environmental contaminants.

In contrast, the Lys patent does not disclose or suggest a "transparent layer fixed to [a] support member" in a landscape lighting housing in which the transparent layer is in a "position

to cover” light emitting diode chips or light emitting diode chips “between” a support member and transparent layer. Nor are the support member and transparent layer substantially parallel to each other. The Lys patent discloses a lighting entertainment system that includes an array of LEDs 644 (col. 12, line 66 – col. 13, line 2) disposed on a platform 642 in which the platform 642 holds a power supply module 38 and has connectors 646 to connect to a power source in the same manner as a conventional halogen bulb (*see* FIG. 20, col. 30, lines 31-47). The platform 642 can be inserted into a conventional halogen fixture 34 or fixtures for alternative lighting applications (col. 20, lines 48-58). The LED array 644 includes LED channels 14 through which power is supplied (col. 11, lines 60-61).

The Office action asserts (pg. 6) that the Lys patent inherently discloses a “transparent layer” that covers the light emitting diode chips within the landscape lighting housing. Although FIGS. 20 and 21 of the Lys patent appear to show conventional LED transparent enclosures in the LED array 644, those enclosures are not “fixed to a supporting member” as recited in present claim 1. Instead, as FIGS. 20 and 21 clearly show, each of the LEDs in the array 644 are fixed to a platform (no number) through their respective anodes and cathodes. FIGS. 20 and 21 do not show the transparent enclosures fixed to a supporting member or even in contact with a supporting member. Indeed, there is no suggestion or disclosure in the Lys patent of any transparent layer in a position to cover the LED array 644 that is also “fixed to a supporting member” as recited in present claim 1. Furthermore, there is no suggestion or disclosure in the Lys patent that the LEDs are “between” a support member and transparent layer or that a support member and transparent layer are “substantially parallel to one another” as recited in claim 1.

The Conway patent discloses a lighting device that includes LED sets 19, 21 and 23 held on channel 32 (*see* FIG. 1, col. 2, lines 45-63). Although the Conway patent discloses a housing 31 that covers the reflector 30, the Conway patent does not disclose or suggest that the LED sets 19, 21 and 23 are “between” a transparent layer and a support member to which the transparent layer is fixed or that a support member and transparent layer are “substantially parallel to one another” as recited in present claim 1. Furthermore, the Conway patent does not disclose or suggest the features missing from the Lys patent.

The Johnson patent discloses a backlight assembly 10 for a liquid crystal display that includes a base 14 on which first LED array 16 is mounted, a waveguide 20 disposed between base 14 and an LCD stack 12 and a second LED array 30 provided on the edge of waveguide 20 (*see* FIG. 1, col. 2, line 49 – col. 3, line14). However, the Johnson patent does not disclose or suggest the features missing from the Lys patent.

At least for the foregoing reason, independent claim 1 should be allowed.

Claims 2-16 depend from claim 1 and should be allowed for at least the same reason as claim 1.

Independent claim 20 recites a method for electronically controlling color change in landscape lighting systems that includes fixing a transparent layer to a support member so as to cover a plurality of light emitting diode chips that are between the support member and the transparent layer. Claim 20 further recites that the transparent layer and support member are substantially parallel to one another. None of the cited references, alone or in combination, disclose or suggest a method that includes “fixing a transparent layer to a support member so as to cover a plurality of light emitting diode chips” that are “between” a support member and transparent layer or that a transparent layer and support member are “substantially parallel to one another.”

Accordingly, claim 20 should be allowable for at least the same reasons discussed above with reference to claim 1.

Independent claim 21 also recites a lighting system that includes a transparent protection layer adapted to cover a plurality of light emitting diode light sources between the protection layer and a support member in which the protection layer is fixed to a support member. Claim 21 further recites that the protection layer and support member are substantially parallel to one another.

Accordingly, claim 21 should be allowable for at least the same reasons discussed above with reference to claim 1.

Claims 22-29 depend from claim 21 and should be allowable for at least the same reasons as claim 21.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Randy Beeman et al.
Serial No. : 10/763,682
Filed : January 23, 2004
Page : 12 of 12

Attorney's Docket No.: 16785-007001


Conclusion

In view of the above remarks, all remaining claims are allowable and a notice of allowance should be issued.

No fee is believed due. However, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/20/2006


Richard P. Ferrara
Reg. No. 30,632

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

30302458.doc